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EXAMINER				
AVERY, JEREMIAH L				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,147

Applicant(s)

BHASKAR ET AL.

Examiner

JEREMIAH AVERY

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- I. Claims 1-30 were restricted.
- II. Claims 1-17 were elected.
- III. Claims 18-30 have been withdrawn.
- IV. Claims 1-17 have been examined.

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code within pages 3 and 4. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Election/Restrictions

2. Applicant's election without traverse of claims 1-17 in the reply filed on 12/16/10 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 7,039,952 to Bender et al., hereinafter Bender.

3. Regarding claim 1, Bender discloses a device for secure access to digital media contents, the device comprising an access means for accessing digital media contents (inter alia, Bender's insertion of a smart card into a card reading device connected to a client computing device – Fig. 4) from a data source and a reader for authenticating a user (Bender's "verification device"), the authentication being performed by checking some authentication data (Figure 11, column 2, lines 63-67, column 3, lines 1-7, column 4, lines 47-57 and column 5, lines 1-7 and 35-49, "a user presents a biometric form of identification to a verification device connected to the client computing device"), the device further comprising an internal communication path between the access means and the reader, the communication path being not directly accessible from outside the device (Figures 6 and 9, column 5, lines 62-67 and column 6, lines 1-13).
4. Regarding claim 2, Bender discloses wherein the device only has a single electrical interface for connection to a host (column 5, lines 62-67 and column 6, lines 1-6).
5. Regarding claim 3, Bender discloses wherein the single electrical interface represents at least two logical interfaces, a first logical interface being compatible to the digital media and a second logical interface being compatible to the authentication data (column 2, lines 22-34 and 63-67 and column 3, lines 1-7).
6. Regarding claim 4, Bender discloses wherein the single electrical interface is designed according to *one of* the following standards: USB, SCSI, Firewire, PCMCIA, WiFi, Bluetooth, HyperLAN (Figure 9, element 901, column 7, lines 45-58, "Universal serial bus (USB)").

7. Regarding claim 5, Bender discloses wherein the access means and the reader share a common processing unit (column 7, lines 66 and 67 and column 8, lines 1-6).
8. Regarding claim 6, Bender discloses wherein the access means and the reader use different processing units, the communication path including a communication channel between the processing units (Figure 2, column 4, lines 39-57, column 5, lines 8-30 and 62-67 and column 6, lines 1-13, "smart card further has a communications channel 635 between the processor and an external source 650 such as a host computer, for instance, to receive an APDU from a smart card reader").
9. Regarding claim 7, Bender discloses wherein the access means and the reader are accommodated in a single housing (Figure 9, column 7, lines 38-52, "components of the HID are coupled internally to a bus 912").
10. Regarding claim 8, Bender discloses wherein the reader is a smart card reader capable of accessing a key stored on a smart card (column 6, lines 3-13 and column 9, lines 13-21).
11. Regarding claim 9, Bender discloses means for entering a PIN code and is capable of releasing the key after a PIN code match is determined (column 9, lines 13-27).
12. Regarding claim 10, Bender discloses wherein the smart card containing the key is interfaced to the smart card reader through *one of* the following interfaces: ISO 7816, I2C, Contactless Smart Card Interface (column 2, lines 63-67, "ISO-7816" and column 3, lines 1-7).

13. Regarding claim 11, Bender discloses wherein the smart card is embedded inside the reader (column 7, lines 45-65).
14. Regarding claim 12, Bender discloses wherein the reader is capable of retrieving biometric information from the user (Figure 11, element 1100 and column 5, lines 36-49).
15. Regarding claim 13, Bender discloses wherein the reader includes *one of* the following: a fingerprint sensor, an iris recognition means, a face recognition means, a voice recognition means (column 5, lines 36-49, "biometric identification may be a fingerprint, a retinal scan, a voice identification").
16. Regarding claim 14, Bender discloses wherein the data source is *one of* the following: a hard disk, a removable disk, a CD, a DVD, a flash memory embedded inside the device, a removable flash memory (Figure 9, element 905 and column 7, lines 52-58, "flash memory").
17. Regarding claim 16, Bender discloses wherein at least one of the access means and the reader is a module which can be inserted into and removed from the device (Figures 3 and 4, column 4, lines 59-67, "a user inserts a smart card into a card reader connected to a client computing device" and column 5, lines 1-7 and 21-33).
18. Regarding claim 17, Bender discloses wherein *at least one* of the access means and the reader is a system-on-chip (SOC) *or* a single chip system (Figure 10, column 7, lines 66 and 67 and column 8, lines 1-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
19. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bender as applied to claim 1 above, and further in view of United States Patent No. 7,194,768 to Kisliakov, hereafter Kisliakov.
20. Bender discloses the claimed device for obtaining secure access to digital content, as cited above. However, Bender does not disclose the claimed feature within claim 15 pertaining to "the access means includes a modem capable of retrieving data from a remote network". Kisliakov discloses said feature, as cited below.
21. Regarding claim 15, Kisliakov discloses wherein the access means includes a modem capable of retrieving data from a remote network (Figure 7, element 716, column 11, lines 43-56, "A Modulator-Demodulator (Modem) transceiver device 716 is used by the computer module 702 for communicating to and from the communications

network 720, for example connectable via a telephone line 721 or other functional medium”).

22. The motivation to combine would be that “the modem 716 can be used to obtain access to the Internet, and other network systems, such as a Local Area Network (LAN) or a Wide Area Network (WAN)” (*Kisliakov* – column 11, lines 53-56).

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Kisliakov* with the teachings of *Bender* in order to provide a means for permitting communication of the data (*Kisliakov* – column 12, lines 17-21, “may be read by the user from the network 720 via the modem device 716”).

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. The following United States Patents and Patent Application Publication are cited to further show the state of the art with respect to secure access to data, such as:

United States Patent No. 6,989,732 to Fisher, which is cited to show an electronic lock system and method for its use with card only mode.

United States Patent No. 5,396,617 to Villwock et al., which is cited to show a module for extending functions of an electronic data processing machine.

United States Patent Application Publication No. US2002/0188855 to Nakayama et al., which is cited to show a fingerprint authentication unit and authentication system.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH AVERY whose telephone number is (571)272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremiah Avery/
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431